



596-201  
565-205  
560-203

PATENT

3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: \$

Ralph R. Weichselbaum, \$  
Dennis E. Hallahan, \$  
Donald W. Kufe and \$  
Vikas P. Sukhatme \$

Serial No.: 08/289,290 \$

Filed: August 11, 1994 \$

For: CONSTITUTIVE GENE \$  
EXPRESSION IN CONJUNCTION \$  
WITH IONIZING RADIATION \$

Examiner: Unknown

Group Art Unit: Unknown

Atty. Dkt: ARCD:086/SER

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below:

January 13, 1995

Date

Gary L. Sertich

RESPONSE TO 37 C.F.R. § 1.53(d) NOTICE

Commissioner of Patents  
and Trademarks  
ATTN: Application Processing Division  
Special Processing and Correspondence Branch  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of  
Application Under 37 C.F.R. § 1.53(d), mailed September 13, 1994,  
there are enclosed herewith:

(a) Declaration executed on behalf of Ralph H.

Weichselbaum, Dennis E. Hallahan and Vikas P. Sukhatme;

(b) Declaration executed on behalf of Donald W. Kufe;

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SE18034 03/09/95 08289290 01-2508 180 203

231.00CR

510 AA 02/03/95 08289290 1 201 365.00 CR

010 A4 02/03/95 08289290 1 205 65.00 CR

010 A4 02/03/95 08289290 1 203 401.00 CR

OK refund 4.00 ~~4.00~~  
OK refund 231.00 ~~231.00~~  
OK refund 365.00 ~~365.00~~  
OK refund 65.00 ~~65.00~~  
OK refund 401.00 ~~401.00~~

- (c) A Power of Attorney on behalf of Arch Development Corporation;
- (d) A Power of Attorney on behalf of Dana-Farber Cancer Institute;
- (e) A Declaration Claiming Small Entity Status executed on behalf of Arch Development Corporation;
- (f) A Declaration Claiming Small Entity Status executed on behalf of Dana-Farber Cancer Institute;
- (g) Our check in the amount of \$1,466.00 to cover the filing fee (\$716.00); surcharge for late filing (\$65.00) and extension of time fee (\$435.00);
- (h) A copy of Notice to File Missing Parts of Application-Filing Date Granted; and
- (i) A Request for Extension of Time of three months to and including January 13, 1995. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

Assignments to Arch Development Corporation and Dana-Farber Cancer Institute and a check for \$80.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to

deduct or credit said fees from or to Arnold, White & Durkee  
Deposit Account No. 01-2508/ARCD:086/SER.

Please date stamp and return the accompanying postcard to  
evidence receipt of these documents.

Respectfully submitted,

  
Gary J. Sertich  
Reg. No. 34,430

ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210  
(512) 418-3000

Date: 1/13/95



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

TC

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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08/289,290 08/11/94 WETZELBAUM

R

0381/0913

ARNOLD, WHITE & DURKEE  
P.O. BOX 4433  
HOUSTON, TX 77210-4433

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DATE MAILED:

09/13/94

**NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 150 for large entities or \$ 60 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e).

If all required items on this form are filed within the period set below, the total amount owed by applicant as a  large entity,  small entity (verified statement filed), is \$ 1562.

Applicant is given **ONE MONTH FROM THE DATE OF THIS LETTER, OR TWO MONTHS FROM THE FILING DATE** of this application, **WHICHEVER IS LATER**, within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

1.  The statutory basic filing fee is:  missing  insufficient. Applicant as a  large entity  small entity, must submit \$ 710 to complete the basic filing fee.
2.  Additional claim fees of \$ 722 as a  large entity,  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
3.  The oath or declaration:  
 is missing.  
 does not cover items omitted at time of execution.

An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required.

4.  The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
5.  The signature to the oath or declaration is:  missing;  a reproduction;  by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

6.  The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

7.  The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$ \_\_\_\_\_ under 37 CFR 1.17(k), unless this fee has already been paid.
8.  A \$ \_\_\_\_\_ processing fee is required for returned checks. (37 CFR 1.21(m)).
9.  Your filing receipt was mailed in error because check was returned without payment.
10.  The application does not comply with the Sequence Rules. See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.
11.  Other.

Direct the response and any questions about this notice to A. Iscetti, Application Processing Division, Special Processing and Correspondence Branch (703) 308-1202.

**A copy of this notice MUST be returned with the response.**

COPY TO BE RETURNED WITH RESPONSE